

**In the Court of Mahmood Ahmed Shakir Jajja, District & Sessions Judge /
Presiding Officer, District Consumer Court, Bahawalpur**

Mohammad Ali Adil Vs Proprietor AL-Rehman Electronics etc.

Case No. 225311

Dated of Institution 27-06-2011.

Date of Decision: 05-01-2012.

Present: Parties along with their counsel.
Arguments heard. Record perused.

Order:-

The version of the complainant is that he purchased an AC (Haier Model Y0313) for Rs. 41,000/- from the respondent No.1 on 24-05-2010; that father of the complainant is a senior advocate of High Court and he was undergone of Bypass operation of heart in 2001; that he has also been operated upon Appendix of kidneys many times; that he is also a patient of high Blood Pressure and Sugar and complainant had got purchased the AC for his healthcare on the advice of the doctors; that he intended to purchase an AC that of any Japanese company but the respondent No.1 maneuvered the complainant to purchase that of Haier company which became out of order within a period of one month; that the complainant got repaired the outer set of the AC after repeated efforts but later on, its inner set also started to create problems and it used to stop after 10 and 15 minutes; that the complainant asked the respondents to replace the AC. They promised that it will be substituted in the next season as the Summer season was likely to end; that in March 2011, the complainant requested the respondents for replacement of the AC set but they flatly refused ; thereupon, the complainant issued legal notice to the respondents which remained un replied. Hence, this complaint.

On the other hand, the version of the respondents is that they have already replaced the outer set of complainant's AC; that so for as concern the fault of inner set, the technician of the respondent No.2 and manager themself visited the complainant's house and met his father but they flatly refused to produce the warrantee card and did not

allowed to get checked the inner set and demanded that they will get the set replaced by the dealer respondent No.1 and in case of his failure to do so, he will file the complaint; that the respondents are ready to repair the inner set of the complainant's AC and that the complaint in hand is baseless and malafide. It may kindly be dismissed.

After hearing the arguments and perusal of the record, the court has observed that the complainant has produced original receipt Ex-P1, documents of his father's diseases and treatments Ex-PA1 to Ex-PA36 and original warrantee card Ex-P37. The respondents have not produced any evidence in rebuttal. They have only taken up a plea of non cooperation of the complainant through their written replies. Anyhow, the fact of purchase of the AC set from the respondent No.1 has been admitted by the respondents. Warranty period being one year for the repair of the AC has also been admitted by the respondents and that technician and manager of respondent No.2 visited the house of the complainant and the manager met the father of the complainant for checking of the AC. Meaning thereby, that the complainant had made a complaint to the respondents that his inner set of the AC is not working properly. So far as non production of warrantee card and non cooperation by the complainant in checking the working and condition of the AC concern, if it is presumed as correct, then, the complainant might have become dissatisfied and discouraged by the improper functioning of both the sets and his repeated requests and efforts for getting the same repaired or replaced. It is admitted fact that first, the outer set of the AC became out of order which was replaced by the respondent No.1. Later on, the inner set of the AC also stopped working and it could not be replaced as desired by the complainant. So, the complainant was justified to claim the replacement of the AC set instead of its repair. The respondent No.1 had maneuvered the complainant to purchase the Haier AC instead of any another Japanese company as he wanted. Therefore, I am fully convinced that the respondents have sold a faulty and low standard AC to the complainant which did not work properly and became out of order within a period of one month. Hence, the complainant is entitled to get the price of the AC Rs. 41,000/- after returning the same to the respondents. The complainant has surely suffered physical torture, mental agony and wastage of his precious time and also

inconvenience to his father due to non functioning of the AC properly. Accordingly, he is also held entitled to recover the damages of Rs. 1,00,000/- from the respondents. The petition in hand is therefore, decided in favour of the complainant and against the respondents. Notice be issued for execution on 06-02-2012.

Announced:

05-01-2012

Presiding Officer